

**FILED**

**MAY 07 2019**

CLERK U.S. DISTRICT COURT  
WEST. DIST. OF PENNSYLVANIA

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**JUSTIN EVERETT,**

**Plaintiff,**

**v.**

**Fieldworks LLC, et  
al...**

**Defendants.**

**Civil Action No. 2:17-cv-01495-PJP**

**MOTION TO QUASH MAY 6TH SUBPOENA HANDED TO A PERSON AT MY  
HOUSE AND NOT ME AND MOTION TO EXTEND THE DISCOVERY BY 60  
DAYS**

**Introduction**

According to Rule 45 it authorizes a district court to quash a subpoena if it subjects a person to an undue burden, fails to allow for a reasonable time for compliance, or requires disclosure of confidential information. Fed. R. Civ. P. 45(c)(3); see generally *Composition Roofers Union Local 30 Welfare Trust Fund v. Graveley Roofing Enter.*, 160 F.R.D. 70, 72 (E.D. Pa. 1995); *Small v. Provident Life & Accident Ins. Co.*, No. 98-2934, 1999 WL 1128945, at \*1 (E.D. Pa. Dec. 9, 1999); *Barnes Found. v. Township of Lower Merion*, No. 96-372, 1997 WL 169442, at \*4 (E.D. Pa. Apr. 7, 1997).

1. After looking over the case law I'm asking the court to quash this May 6th subpoena that was given to a person at my house and not to me. There are many reasons but in no particular order:

A.) I wasn't served the subpoena personally. I was away from home and at work.

B.) Undue burden. I do not have a trust fund and I have to work for a living. I already explained to opposing counsel that I simply can't quit work on such short notice.

C.) I wasn't given reasonable notice. I believe reasonable notice for a subpoena is at least 10 days. A really good practice is 21 days. One was handed to someone at my house just two days before the deposition. That is not a reasonable enough time to prepare to answer any questions.

2. I look forward to doing a deposition but it should be agreed upon to the mutual satisfaction of both parties. And not forced to do so where I have to choose between my job and doing a deposition.

3. I would also ask the court to extend discovery by 60 days. For the life of me I can't understand the whirlwind like nature of the proceedings. This is work that I have to do part time. I'm not a full time attorney. No harm would come from the extra time. I need the extra time to do it correctly. This would not only give me time to put forth questions and a request for documents but to file motions to compel in case things are not answered promptly.


Respectfully,  
Justin Everett

Date: *May 7, 2019*

Signature: *[Handwritten Signature]*

### **Certificate of Service**

I certify that on the 7<sup>th</sup> day of May, 2019 this statement will be emailed or mailed to the Defendant's lawyers and a copy was either mailed or delivered to the clerk's office.

Signature: 

Date: May 7, 2015